

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
September 11, 2018 – 5:30 P.M.**

On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe, Griffin Hanna, and Bob Cooper.

Chairman Keesee then called for the vote on the minutes from the August 14, 2018, meeting. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. Pinnacle Park, Lots 1-53- Final Plat- A request by Crafton Tull & Associates.

Chairman Keesee introduced item 1. Ms. Brenda Andrews read the staff report indicating approval of the proposed final plat would facilitate the development of single family, zero lot line homes in a gated subdivision with private streets. Ms. Andrews further stated that the property is located east of McClure Drive with frontages on Wells Lake Road and Veterans Avenue. The site contains approximately 11.5 acres.

Connor Threet was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the final plat. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the final plat, subject to the following staff comments:

- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the application with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the final plat was approved.

Introduction of the newest member of the Planning Commission.

Chairman Keesee introduced the newest member of the Planning Commission, Mr. Griffin Hanna. Chairman Keesee publicly thanked Mr. Hanna for joining.

2. Master Land Use Plan #7-9-18; A request by Brett Abbott, agent, for Brooks Norris, for a Master Land Use Plan Amendment from not classified to General Commercial and Residential Attached at 12727 Old US 71 Highway.

3. Rezoning Application #22-9-18; A request by Brett Abbott, agent, for Brooks Norris, for a zone change from not zoned to Commercial Moderate (C-3) and Residential Multifamily Medium Density (RM-3) by classification and a request to defer the Development Plan at 12727 Old US 71 Highway.

Chairman Keesee introduced item 2 and 3. Ms. Maggie Rice read the staff report indicating approval of the proposed master land use plan and zoning would allow a two acre tract along Highway 71 South to be zoned Commercial Moderate (C-3) with the remaining 13.73 acres zoned as Residential Multifamily Medium Density (RM-3). Ms. Rice stated that although the applicant is requesting a deferral of the development plan a concept plan was submitted that shows a multifamily development including apartments and townhouses. Ms. Rice stated that a neighborhood meeting was held Tuesday, August 28, 2018, at 1821 Phoenix Avenue at 6:00 p.m. Ms. Rice indicated that five surrounding property owners attended the meeting.

Brett Abbott and Brooks Norris were present to represent this application.

Nicole Roseberry (12727 Old Highway 71) asked about the house on the property. Brooks Norris (1108 Kensington Way) stated that the house would be demolished six to eight months after approvals.

Chairman Keesee called for a motion on the master land use plan. Commissioner Cooper moved, seconded by Commissioner Wilson, to approve the master land use plan.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the master land use plan. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the master land use plan was approved.

3. Rezoning Application #22-9-18; A request by Brett Abbott, agent, for Brooks Norris, for a zone change from not zoned to Commercial Moderate (C-3) and Residential Multifamily Medium Density (RM-3) by classification and a request to defer the Development Plan at 12727 Old US 71 Highway.

Chairman Keesee called for a motion on the rezoning. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the rezoning with the deferral of the development plan, subject to the following staff comments:

- Planning Commission approval of a development plan for all new development prior to the issuance of any building permits.
- Resolution of the Tennessee Ridge Road extension through the property prior to submittal of a development plan.

Commissioner Wilson asked Ms. Rice if the property could move forward without the Tennessee Ridge Road extension. Ms. Rice stated that the development and construction of the new street would have to happen in to facilitate the proposed development.

Mr. Bailey stated that some issues needed to be addressed with the City and the Arkansas Department of Transportation regarding the Cost Sharing Program that's referred to as The New Street Construction Participation Program.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the rezoning with the deferral of the development plan with staff comments. The vote was 9 in favor and opposed. Chairman Keesee announced the rezoning with the deferral of the development plan was approved.

4. Development Plan #11-9-18; A request by Brett Abbott, agent, for Keith Lau, for a development plan approval for a duplex development at 1001, 1011, and 1021 North 49th Street.

Chairman Keesee introduced item 4. Ms. Brenda Andrews read the staff report indicating approval of the proposed development plan would facilitate the development of six duplexes (12 dwelling units) on six individual lots. Ms. Andrews stated that the development has four (4) driveways located on North 48th Street and no driveways are located on North 49th Street. She stated that a landscape berm is also proposed on North 49th Street. Ms. Andrews further stated that a neighborhood meeting was held on Wednesday, August 29, 2018, at 6:00 p.m. at the Fort Smith Public Library, Main Branch at 3201 Rogers Avenue. She indicated that the meeting was attended by thirteen property owners.

Brett Abbott was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the development. Commissioner Cooper moved, seconded by Commissioner Sharpe, to approve the development, subject to the following staff comments:

- Construction must comply with the submitted development plan and the ten special conditions offered by the developer. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Compliance with the following special conditions offered by the Developer:
 - a. The guest parking shall be eliminated to allow for more greenspace/landscaping. In exchange for taking out the guest parking, "No Parking" signs shall be placed along the street in front of the development.
 - b. A landscape buffer shall be installed along the front of the lots adjacent to Grand Avenue.
 - c. Trash and recycle cans shall be screened under the stairs in the parking area.

- d. No traffic will be able to pass through between 48th and 49th streets to control traffic on each side of the development, eliminating the drive connections from east/west.
- e. No multi-tenant leasing allowed- each unit will be under 1 lease.
- f. Signage will be installed on the property stating “Tenant Parking Only” to deter guest parking on the property.
- g. Occupancy of each unit shall be limited to one person per room or no more than 4 per each side of the duplex within the limits of the law.
- h. Drainage of the property shall be designed by an engineer.
- i. One unit will be reserved to an on-site manager at a reduced-rent rate in exchange for management services.
- j. The developer shall collaborate with the city traffic engineer and a contracted engineering service for a traffic study to look at potential impact on the neighborhood. (The developer has complied with this condition.)

Commissioner Taylor asked Mr. Abbott if the development was still proposed with the ten special conditions that were proposed. Mr. Abbott confirmed that the special conditions were still part of the development. Commissioner Taylor also asked about the proposed landscaping on Grand Ave/ 49th Street. Mr. Abbott stated that the proposed landscaping would have a berm planted with trees and shrubbery adjacent to North 49th Street.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the development plan with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the development plan was approved.

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- 5. Variance #26-9-18; A request by Neal Morrison, agent, for Four Corks, LLC, for a variance from wall sign allowance requirements and from the UDO Section 27-602-(C)(2)(3) high-quality material requirements at 8000 South Zero Street.**
- 6. Development Plan #12-9-18; A request by Neal Morrison, agent, for Four Corks, LLC, for a development plan approval for a beer, wine, and liquor store with drive-through and off-site parking lot at 7950 and 8000 South Zero Street.**
- 7. Off-Site Parking; A request by Nicole Swanson/Hutchison Court Commercial, LLC, for a remote parking agreement at 7910 Zero Street.**

Chairman Keesee introduce item 5, 6, and 7. Ms. Brenda Andrews read the staff reports indicating approval of the variance and development plan would allow the liquor store development to have three wall signs and vertical and horizontal prefabricated steel metal panels with concealed fasteners exceeding 49% on the east, west, and south building facades. Ms.

Andrews stated that the development would consist of a 6,480 s.f. beer, wine, and liquor store (with drive-through), landscaping and 23 parking spaces on the proposed Huntington Chase Commercial Park, Lot 1B and an off-site parking lot with 16 spaces and landscaping located on proposed Lot 1A. Mr. Bailey read the staff report stating approval of the remote parking agreement would allow Hutchison Court Commercial, LLC, to use 8 parking spaces in the parking lot at 7950 South Zero Street (Lot 1A).

Neal Morrison, Tony Leraris, and Nicole Swanson were present to represent these applications.

David Harris (2025 South V Street) spoke in opposition of the variance for metal siding. Mr. Wally Bailey responded to Mr. Harris stating that the UDO prohibits pre-manufactured panels, like the R Panels. Mr. Bailey stated that the proposed metal panels are not panels with exposed fasteners, but with concealed fasteners. Mr. Bailey further stated that the proposed metal panels are a high-grade architectural panel and that there's a mixture of materials; including rock and wood with the metal panels.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Taylor, to approve the variance, subject to the following staff comments:

- Construction must comply with the submitted development plan showing the proposed prefabricated steel metal panels with concealed fasteners and signage.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the variance with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

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6. Development Plan #12-9-18; A request by Neal Morrison, agent, for Four Corks, LLC, for a development plan approval for a beer, wine, and liquor store with drive-through and off-site parking lot at 7950 and 8000 South Zero Street.

Chairman Keesee called for a motion on the development plan. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the development plan, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The final development plan submitted with the building permit must show compliance to all applicable codes and ordinances.
- All signage will require submittal of a sign permit application.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the development plan. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the development plan was approved.

7. Off-Site Parking; A request by Nicole Swanson/Hutchison Court Commercial, LLC, for a remote parking agreement at 7910 Zero Street.

Chairman Keesee called for a motion on the remote parking agreement. Commissioner Taylor moved, seconded by Commissioner Sharpe, to approve the remote parking agreement, subject to the following staff comments:

- The parking agreement shall be filed with the Sebastian County Clerk and a file-marked copy provided to the Fort Smith Planning Department.
- Any significant changes to the parking agreement or relocation of required parking spaces shall be approved by the Planning Department or Planning Commission.

Commissioner Cooper stated for the record that he would be abstaining from this vote.

Commissioner Taylor asked if there has been any discussion on crosswalks. Ms. Brenda Andrews stated that it would not be likely due to some issues. One being that the crosswalk would be mid-street and the other issue being that the crosswalk would be too close to the state right-of-way.

Following the discussion by the Planning Commission, Chairman Keesee called for a vote on the motion to approve the remote parking agreement with staff comments. The vote was 8 in favor and 1 abstention (Commissioner Cooper). Chairman Keesee announced the remote parking agreement was approved.

There being no further items, the meeting adjourned at approximately 6:25 p.m.